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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC,  
and Alan Nisselson, the Chapter 7 Trustee for  
Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC, and  
ALAN NISSELSO, Chapter 7 Trustee for the  
Estate of Bernard L. Madoff,

Plaintiffs,

v.

STEPHANIE S. MACK, individually, and as Natural  
Guardian of A. V. M. M.; ANDREW H. MADOFF,  
as Executor of the Estate of Mark D. Madoff and as  
Trustee of A. V. M. Trust U/A 01/10/07; ROBERT

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05328 (SMB)

W. MIKESELL, as Trustee of A. V. M. Trust U/A  
01/10/07; ESTATE OF MARK D. MADOFF; and A.  
V. M. M.,

Defendants.

**STIPULATION FOR VOLUNTARY DISMISSAL OF  
ACTION WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, and Stephanie S. Mack, individually, and as natural guardian of A. V. M. M., David Blumenfeld, as Successor Executor of the Estate of Mark D. Madoff, Robert W. Mikesell, as Trustee of A. V. M. Trust U/A 01/10/07, the Estate of Mark D. Madoff and A. V. M. M. (collectively with the Trustee, the “Parties”), by and through their undersigned counsel, hereby stipulate and agree to the following:

1. On February 7, 2012, the Trustee filed and served the Amended Complaint against Defendants Stephanie S. Mack, individually, and as natural guardian of A. V. M. M., Andrew H. Madoff, as Executor of the Estate of Mark D. Madoff and as Trustee of A. V. M. Trust U/A 01/10/07, Robert W. Mikesell, as trustee of A. V. M. Trust U/A 01/10/07, the Estate of Mark D. Madoff and A. V. M. M. in the above-captioned proceeding (the “Adversary Proceeding”). On March 23, 2012, Defendants filed answers to the Amended Complaint.

2. On September 3, 2014, Andrew H. Madoff passed away. On March 27, 2015, a Stipulation and Order extending the Trustee’s time to substitute David Blumenfeld, Successor Executor of the Estate of Mark D. Madoff, for deceased defendant Andrew H. Madoff, in his capacity as previous executor of the Estate of Mark D. Madoff, to April 27, 2015 was filed in

this Adversary Proceeding. (Dkt. No. 72.) In that Stipulation, David Blumenfeld acknowledged and agreed that as Successor Executor of the Estate of Mark D. Madoff, he is a proper party to substitute for Andrew H. Madoff, the previous executor of the Estate of Mark D. Madoff, in this Adversary Proceeding. Robert W. Mikesell is the sole trustee of the A. V. M. Trust U/A 01/10/07.

3. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims in the Adversary Proceeding against all Defendants and to dismiss the Adversary Proceeding in its entirety.

4. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

5. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: April 6, 2015

BAKER & HOSTETLER LLP

PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP

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Liquidation of Bernard L. Madoff Investment  
Securities LLC and the Estate of Bernard L.  
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and as Natural Guardian of A.V.M.M.,  
A.V.M.M., Robert W. Mikesell, as Trustee of  
A.V.M. Trust U/A 01/10/07, David  
Blumenfeld, as Successor Executor of the  
Estate of Mark D. Madoff, and the Estate of  
Mark D. Madoff*